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Attorneys for Defendants

SELECT PORTFOLIO SERVICING, INC. (erroneously sued as “Select Portfolio Servicing”) and NATIONAL DEFAULT SERVICING CORPORATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DONALD OKADA, an individual

Plaintiff,

vs.

BANK OF AMERICA, N.A.; SELECT
PORTFOLIO SERVICING; NATIONAL
DEFAULT SERVICING CORPORATION
AND; DOES 1-50;

Defendants.

CASE NO. 8:15-cv-00981

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
SELECT PORTFOLIO
SERVICING, INC. AND
NATIONAL DEFAULT
SERVICING CORPORATION’S
MOTION TO DISMISS**

Date: September 22, 2015

Time: 1:30 p.m.

Place: Courtroom 9B

Complaint Filed: May 11, 2015

Defendants Select Portfolio Servicing, Inc. and National Default Servicing, Inc. request that the Court take judicial notice of the documents attached hereto pursuant to Fed. R. Evid. 201. “Under Fed. R. Evid. 201, a court may take judicial notice of ‘matters of public record.’” *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (quoting *Mack v. South Bay Beer Distrib.*, 789, F.2d 1279, 1282 (9th Cir. 1986)). *See also See Montes v. Quality Loan Service Corp.*, 2010 WL 114485, at *1 (C.D. Cal. Jan. 5, 2010) (taking judicial notice of plaintiff’s Deed of Trust and facts contained therein because a Deed of Trust is “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned”).

1. A Deed of Trust, related to the property located at 316-316 1/2 Iris Avenue, Newport Beach, CA 92625, recorded on November 17, 2006 in the Orange County Recorder’s Office, as Document No. 2006000781337. A true and correct copy is attached as Exhibit A.

2. A Deed of Trust and Assignment of Rents, related to the property located at 316-316 1/2 Iris Avenue, Newport Beach, CA 92625, recorded on November 17, 2006 in the Orange County Recorder’s Office, as Document No. 2006000781338. A true and correct copy is attached as Exhibit B.

3. An Assignment of Deed of Trust, related to the Deed of Trust in Exhibit A, recorded on June 22, 2011 in the Orange County Recorder’s Office, as Document No. 2011000304326. A true and correct copy is attached as Exhibit C.

4. A Notice of Default and Election to Sell Under Deed of Trust, related to the Deed of trust in Exhibit A, recorded on August 5, 2011 in the Orange County Recorder’s Office, as Document No. 2011000384179. A true and correct copy is attached as Exhibit D.

5. A Notice of Trustee’s Sale, related to the Notice of Default in Exhibit D, recorded on November 10, 2011 in the Orange County Recorder’s Office, as Document No. 2011000571664. A true and correct copy is attached as Exhibit E

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1 6. A Notice of Rescission of Declaration of Default, related to the Notice of
2 Default in Exhibit D, recorded on December 19, 2013 in the Orange County
3 Recorder's Office, as Document No. 2013000698301. A true and correct copy is
4 attached as Exhibit F.

5 7. A Notice of Default and Election to Sell Under Deed of Trust, related to
6 the Deed of Trust in Exhibit A, recorded on February 27, 2015 in the Orange County
7 Recorder's Office, as Document No. 2015000105792. A true and correct copy is
8 attached as Exhibit G.

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11 DATED: July 24, 2015

LOCKE LORD LLP

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13 By: /s/ Jonathan S. Lieberman

14 Conrad V. Sison
15 Jonathan S. Lieberman
16 Attorneys for Defendants
17 SELECT PORTFOLIO SERVICING, INC.
18 and NATIONAL DEFAULT SERVICING
19 CORPORATION
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